IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 33399 of 2005(A)

OS.192/2002 of MUNSIFF COURT, ALATHUR
.....

PETITIONER:

THE SECRETARY,
ALATHUR RURAL CO-OPERATIVE HOUSING
SOCIETY LTD. NO.F.1627. ALATHUR,
PALAKKAD DISTRICT.

BY ADV. SRI.N.RAGHURAJ
SRI.A.V.RAVI
SMT.K.AMMINIKUTTY

RESPONDENTS:
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1. JIJO, S/O.K.T.PALU, KUTTIKKADAN
VEETTIL, SWATHI NAGAR, KATTUSSERY AMSOM,
ALATHUR TALUK, PALAKKAD DISTRICT.

2. RAMAKRISHNAN, S/O.PAZHANIMALA,
IDEA PARAMBIL, CHIRAYIL, MANJHAPRA AMSOM,
DESOM, ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.JOHN JOSEPH(ROY)
SRI.G.SREEKUMAR (CHELUR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 33399/05)

PETITIONER'S EXTS.:

EXT.P1: TRUE PHOTOSTAT COPY OF THE EXECUTION PETITION 132/03 FILED BEFORE THE MUNSIFF'S COURT.

EXT.P2: TRUE PHOTOSTAT COPY OF THE AWARD DATED 12.11.2002 IN ARC NO.224/02.

EXT.P3: TRUE PHOTO COPY OF THE APPLICATION SUBMITTED BY THE 1ST RESPONDENT BEFORE THE MUNSIFF COURT, ALATHUR DT. 5.7.2005.

EXT.P4: TRUE PHOTO COPY OF THE ORDER DATED 6.10.05 IN E.A.287/05 IN E.P.132/03 IN O.S.NO.192/02.

EXT.P5: TRUE PHOTO COPY OF THE ORDER DATED 6.10.2005 IN E.A.NO.253/05 IN E.P.NO.132/03 IN O.S.NO.192/02.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.33399 of 2005

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Dated: 2nd August, 2007

JUDGMENT

According to me, the interim order dated 30.11.2005 grants to the petitioner-Society the relief which they could have legitimately aspired for in this Writ Petition. The grievance of the petitioner is that the learned Munsiff did not permit the petitioner who is the holder of an arbitration award against the judgment-debtor with a charge on the very same property to participate in the auction. Under the interim order this court permitted the petitioner to participate in the auction. The Writ Petition will stand disposed of in view of the interim order.

srd **PIUS C.KURIAKOSE, JUDGE**